

1 DISCLAIMER

2

3 THIS REALTIME/ROUGH TEXT IS UNEDITED/UNCERTIFIED AND
4 WILL CONTAIN UNTRANSLATED STENOGRAPHIC SYMBOLS,
5 OCCASIONAL REPORTER NOTES, MISSPELLED PROPER NAMES,
6 AND/OR NONSENSICAL WORD COMBINATIONS. ALL SUCH
7 ENTRIES WILL BE CORRECTED ON THE OFFICIAL CERTIFIED
8 TRANSCRIPT.

9

10 THIS REALTIME/ROUGH TEXT IS FOR THE PURPOSE OF
11 AUGMENTING COUNSEL'S NOTES AND SHALL NOT BE
12 RECOGNIZED AS AN OFFICIAL TRANSCRIPT, NOR SHALL IT BE
13 CITED OR USED IN ANY WAY OR AT ANY TIME TO REBUT OR
14 CONTRADICT THE OFFICIAL CERTIFIED TRANSCRIPT OF THE
15 PROCEEDINGS, PURSUANT TO APPLICABLE COURT RULES.

16

17 REALTIME/ROUGH UNEDITED/UNCERTIFIED TEXT

18 THE VIDEOGRAPHER: Kayla Camenzind. Good

19 morning, here begins media number 1, in the
20 deposition of Brett A. Carlson, in the matter of
21 Teledyne versus Honeywell. The case is in Central
22 District Court, California. The case number is
23 06-06803. Today's date is February 19th, 2008, the
24 time is 9:38. The deposition is taking place at
25 Snell & Wilmer, 400 East Van Buren, Suite 1900,

EXHIBIT A
Page 2

1 Phoenix, Arizona.

2 This is being taken on behalf of the
3 plaintiffs and counter defendants. The videographer
4 is Kayla Camenzind, appearing on behalf of Sarnoff
5 Court Reporters and Legal Technologies, located in
6 Irvine, California.

7 Would counsel please identify yourselves
8 and state whom you represent, please.

9 MR. PAUNOVICH: Joe Paunovich on behalf
10 of Teledyne Technologies, Incorporated.

11 MR. STARR: Ephraim Starr with Kirkland &
12 Ellis, LLP on behalf of Honeywell International, Inc.
13 and Honeywell Intellectual Properties, Inc.

14 MR. CONDO: Jim Condo and Wendy Neal on
15 behalf of the witness Brett A. Carlson in his
16 individual capacity and as a former member of Snell &
17 Wilmer, LLP.

18 THE VIDEOGRAPHER: Thank you. Madam
19 Court Reporter, would you please swear in the
20 witness.

21

22 THE VIDEOGRAPHER: We are on the record
23 at 9:39 a.m.

24 BY MR. PAUNOVICH:

25 Q. Good morning, Mr. Carlson.

1 A. Generally, I can't think of a reason why
2 it wouldn't be.

3 MR. PAUNOVICH: Why don't we -- we're on
4 five minutes here, why don't we cut from this and
5 I'll let you know how long it will take.

6 THE VIDEOGRAPHER: Okay. This ends tape
7 six of the videotaped deposition of Brett Carlson.
8 We're off the record at 5:47 p.m.

9 (Recessed from ** until **.)

10 THE VIDEOGRAPHER: This is media number
11 seven of the videotaped deposition of Brett Carlson,
12 we're back on the record at 5:55 p.m.

13 BY MR. PAUNOVICH:

14 Q. Mr. Carlson, can you tell me if the
15 phrase system server has any specific meaning to you?

16 MR. STARR: Objection, calls for opinion
17 testimony.

18 THE WITNESS: I think we've discussed
19 this before, it doesn't have any special meaning to
20 me.

21 Q. Does it have any general meaning to you?

22 MR. STARR: Objection, calls for opinion
23 testimony.

24 THE WITNESS: I'm not sure. Again, I'm
25 not a linguist, it doesn't have any, I can't give you

1 a definition, I haven't thought about what those
2 words would be declined.

3 Q. The phrase appears in the '468 patent,
4 correct?

5 A. It may.

6 Q. Do you know what it means in the context
7 of that patent?

8 A.

9 MR. STARR: Objection, calls for opinion
10 testimony.

11 THE WITNESS: No, I don't.

12 BY MR. PAUNOVICH:

13 Q. And in your background, training and
14 experience as a patent attorney, could you ascribe
15 any meaning to it by looking at the term as it
16 appears in the context of the claims and the
17 specification and the prosecution history?

18 A. I don't know, it would be defined by
19 somebody skilled in the art, which I'm not, and to
20 the extent I had particular knowledge when I wrote
21 this, that was seven, eight years ago, and I just
22 don't remember it.

23 Q. So a lay person wouldn't be able to
24 understand what the meaning of the phrase is?

25 MR. STARR: Objection,

1 mischaracterization test prior testimony.

2 THE WITNESS: No, it would be, it would

3 be interpreted by a person of skill in the art, which

4 I'm not.

5 Q. So it would not be able to to be

6 understood by a lay person?

7 MR. STARR: Objection, mischaracterizes

8 prior testimony.

9 A. It would be interpreted by a person of

10 skill in the art.

11 Q. Is a person of skill in the part a

12 layperson?

13 A. I don't know.

14 Q. What do you understand a person of skill

15 in the art to be?

16 MR. STARR: Objection; lacks foundation.

17 A. I'm not sure I'm prepared to say what a

18 person skilled in the art is or I don't know what you

19 mean by a layperson.

20 Q. Well, you just testified that it would be

21 understood by a person skilled in the art, so what

22 did you mean when you said that?

23 A. A person skilled in the art is a -- is a

24 term of art in interpreting -- in patent

25 interpretation.

1 the question, please.

2 (Record read).

3 THE WITNESS: Give me just --

4 BY MR. PAUNOVICH:

5 Q. In other words, do both terms appear in
6 the claims?

7 A. Okay.

8 A. Give me just a minute to take a look.

9 Q. And just so you have context, because my
10 follow up question will be, are there any claims
11 where both terms appear in the same claim?

12 A. Okay.

13 MR. STARR: Was --

14 MR. PAUNOVICH: In other words, there
15 could be one claim that has one term and an entirely
16 separate claim that has the other term but I want to
17 know are there claims of the patent that include
18 both terms.

19 A. Both component and vehicle server.

20 Q. Yeah, as separate words?

21 A. Okay. Give me just a minute.

22 MR. STARR: While he's reviewing that,
23 I'll just object that the document speaks for itself.

24 THE WITNESS: I see the words vehicle
25 server in Claim 1. I see the word vehicle server in

Brett Carlson 2/19/2008 12:49:00 PM

1 claim nine.

2 Q. Does the word component appear in Claim 1
3 as well, third element?

4 A. Yeah, I do see the word there, yes.

5 Q. Are you familiar with the doctrine that
6 all words in a claim are presumed to have some
7 meaning?

8 A. I'm familiar with the doctrine, I don't
9 know the legal details of it, but I'm familiar with
10 the doctrine along that line, yes.

11 Q. Do you have any understanding as to what
12 that doctrine holds?

13 A. Again, I haven't done the research, but
14 basically what you've said there's a doctrine along
15 the lines lines of the words in the claim are
16 important.

17 Q. And different words are resumed to have
18 different meanings?

19 A. Without more research, I don't know the
20 extent of it.

21 Q. What does the phrase outside of the
22 context of the patent, not construing the claims,
23 nothing to do with the '468, what does the phrase
24 data connection mean to you?

25 MR. STARR: Objection, calls for opinion

EXHIBIT A
Page 8

1 testimony.

2 THE WITNESS: I'm -- subject to the
3 things we've discussed before, I'm not an expert or a
4 linguist.

5 Q. Right.

6 A. The phrase data connection could refer to
7 any number of things.

8 Q. Does it have any, what would it mean to
9 you in the -- in a computer context?

10 MR. STARR: Calls for opinion testimony.

11 THE WITNESS: Just thinking quickly off
12 the top of my head, in a computer context, speaking
13 as a nonexpert, a data connection could be anything
14 that, you know, any network or -- network or link or
15 other type of connection between -- between things
16 that are able to communicate.

17 Q. The word communicate, what does that word
18 mean to you in a computer context?

19 A. It's something I said fairly quickly
20 without a lot of thought, but generally speaking,
21 communicate would imply transmitting or receiving
22 information or data.

23 Q. Capable of doing that?

24 A. To communicate, to communicate you'd have
25 to be capable of doing that, I'm not sure I

Brett Carlson 2/19/2008 12:49:00 PM

1 understand what you're asking.

2 Q. Yeah, maybe that was a bad question. You
3 said capable of transmitting or receiving information
4 or excuse me not capable, transmitting or receiving
5 information would be communicating?

6 A. That would be one form of communicating,
7 yes.

8 Q. And I don't know, I'm assuming that's
9 between two points or in what context is it?

10 A. I would imagine it would be in varying
11 contexts, off the top of my head I can think of
12 between people, between points, between processes in
13 a computer system.

14 Q. Okay?

15 A. In a network.

16 Q. This one may get a little bit more tricky
17 in trying to remove ourselves from the contention of
18 the '468 patent, but is there -- is there any
19 meaning, or what meaning would you put to the phrase
20 load a data update in a computer context?

21 MR. STARR: Objection, calls for opinion
22 testimony.

23 THE WITNESS: I'm not sure I can give you
24 more meaning than what the words just said.

25 BY MR. PAUNOVICH:

EXHIBIT A
Page 10

1 Q. Does the word load -- are there any
2 specific steps that are associated with a loading
3 step in a computer context?

4 A. Yeah, I'm just not sure.

5 Q. Do you have any background in loading
6 things, or any experience in loading things on
7 computers?

8 A. Yeah. I've at times in my past have done
9 things that could be construed task loading.

10 Q. And what would you, what sort of things
11 have you done in your past?

12 A. Loading a program onto a computer, in the
13 sense of downloading something from a website or off
14 of is a disk or whatever it is, putting a program
15 onto a computer.

16 Q. What was involved in loading a program on
17 to a computer in one of the instances in your past?

18 A. I can tell you, I mean, recently I
19 purchased a software program for a computer at home,
20 it came on a CD-ROM, in this particular instance I
21 put the CD-ROM into the computer and it, and it ran
22 an installer program that installed the program.

23 Q. Do you know what was involved in running
24 the install learn program?

25 A. I don't know. A lot of that is automated

1 and behind the scenes, so I don't know what is
2 involved in that.

3 Q. Would it be fair to say that the computer
4 was processing the information?

5 A. I believe that it was, yes.

6 Q. And would it be fair to say that it was,
7 it would have had to save the information in order to
8 load it?

9 MR. STARR: Objection, calls for opinion
10 testimony.

11 THE WITNESS: I'm not sure. In this
12 particular example of me load ago program onto my
13 personal computer, I believe that the computer would
14 have saved it in this case onto a hard drive.

15 Q. Okay. Can a vehicle server be a
16 computer, in your opinion?

17 MR. STARR: Objection, calls for opinion
18 testimony, lacks foundation.

19 THE WITNESS: I don't remember. I don't
20 remember what was meant by vehicle server, in
21 particular.

22 BY MR. PAUNOVICH:

23 Q. Outside of the context of the patent, a
24 server, I believe I heard you testify, can be a
25 computer, though, is that correct?

1 that leaps into my mind is just it's able to, able to
2 execute the method.

3 Q. Including each one of the steps of the
4 method?

5 MR. STARR: Objection; calls for opinion
6 testimony.

7 THE WITNESS: I don't remember exactly
8 what you asked, but you said operable to execute the
9 method.

10 Q. Sure. Let's paint the picture, so to
11 speak?

12 A. Okay.

13 Q. We've got a four step go get paint
14 bucket, go get paint, pour paint in bucket, paint
15 wall, that's the method, open and close.

16 A. Okay.

17 Q. And I invent a robot that is operable to
18 execute that method that I've just described, and I
19 believe what you just testified is that operable to
20 execute the method would be that it could perform or
21 execute the method. We kind of just used the same
22 terms that just defined it. My question -- pending
23 question was whether or not that means that that
24 robot had to perform each one of the steps for the
25 method.

Brett Carlson 2/19/2008 12:49:00 PM

1 MR. STARR: Objection; incomplete

2 hypothetical, calls for opinion testimony.

3 THE WITNESS: I mean, just as I

4 understand the hypothetical, if we say something is

5 operable to execute the method, and we define method

6 as having certain steps, it would seem logical that

7 the, that the way we defined it that operable to

8 execute the method would be the method according to

9 that definition.

10 Q. Okay. Do you have any understanding what

11 the term -- what the phrase predetermined time

12 means?

13 MR. STARR: Objection, calls --

14 MR. PAUNOVICH: Generally speaking.

15 MR. STARR: Objection, lacks foundation,

16 calls for expert testimony.

17 THE WITNESS: Generally speaking, I don't

18 have any.

19 Q. There's a couple of documents that were

20 produced to Teledyne by Snell that were in the

21 prosecution history or the file history for the '152

22 path department, I know we haven't talked about that

23 at all today?

24 A. Okay.

25 Q. I just want you take a quick look at

EXHIBIT A
Page 14